



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,186	06/13/2001	Adam Zimmer	60002-0002	3998

27871 7590 12/03/2004

BLAKE, CASSELS & GRAYDON LLP
BOX 25, COMMERCE COURT WEST
199 BAY STREET, SUITE 2800
TORONTO, ON M5L 1A9
CANADA

EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/879,186</p>	<p>Applicant(s)</p> <p>ZIMMER ET AL.</p>	
	<p>Examiner</p> <p>Ted T. Vo</p>	<p>Art Unit</p> <p>2122</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants' amendment and arguments filed on 8/16/04, responding to the Office action (04/14/04) have been fully considered.

Claims 1-6 are amended.

Claims 1-6 are pending in the application.

Response to Amendment

2. Applicants have amended Claims 1-6 and argued that the application (claimed limitation) is directed to the provision of application that may utilize different platforms (re: Remarks: page 10, third paragraph).

With regards to the Applicant's amendment, the prior art, Carlos Matos, is withdrawn. However, the amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

The Applicants' arguments have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. The newly amended limitation "utilisation by respective ones of the selected components, ;" at lines 10-11 in Claim 1, and the newly amended limitation, "the the abstract notation description file", at line 10 in Claim 5 are object to.

Spelling checking is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: At line 8 of Claim 1, newly added limitation, "the application file" is indefinite.

There is insufficient antecedent basis for this limitation, "the application file", in the claim.

Claims 2-3: Claims 2-3 are definite because of the dependency, where Claims 2-3 are dependent on Claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Biancheri, "EIHA?!?: Deploying Web and WAP Services Using XML Technology", ACM, Pages: 5-12, March 2001.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 1: Biancheri discloses,

"A system for generating a multi-tier application for deployment on a predetermined combination of selected components, the system comprising:

a) an abstract notation description file to contain a description of said application (See page 5, Section 1: Functionality description, "DTD and containing meta-data");

b) an editor for entering a selected set of input parameters into said description file (See section 3.1, page 6: The main DTDs, "We can identify a selection of DTDs associated with types of document that we need for the description of a hierarchy index", and see Figures 1-3: All have means of editing for entering a selected set of input parameters into said description file); and

c) an application generator for transforming the application file from the abstract notation to at least one of a plurality of selected platform notations for utilisation by respective ones of the selected components, ; wherein the deployment of the application to respective selected components facilitates the communication of data between the selected components (See Figure 4, the EIHA servlet: Referring to "XSLT WML target" and "XSLT HTML target" (selected platform notations) for transforming XSLT (an application file) into a platform of WML target or of HTML target).

As per Claim 2: Biancheri discloses,

"The system according to claim 1, wherein at least two of the selected components utilize different platforms" (see Figure 4: "XSLT WML target" or "XSLT HTML target").

As per Claim 3: Biancheri discloses,

"The system according to claim 2, wherein the description file includes platform indicators in the description capable of representing multiple applications of different platforms corresponding to the selected components" (See whole figure 4).

As per Claim 4: Regarding:

"A method for generating an application for deployment on a predetermined combination of components selected from a multi-tier environment, the method comprising the steps of:

a) providing a description of said application in an abstract notation description file

b) selecting input parameters for said application;
c) inputting the input parameters into said abstract notation description file;
d) transforming the description file the abstract notation to at least one of a plurality of notations of selected platforms utilized by the selected components; and

d) generating an application containing the platform notation; wherein upon deployment of the application to respective ones of said selected components facilitates the communication of component data between the selected components": The limitation has the functionality corresponding to the limitation recited in Claim 1. Therefore, the rejection is applied in the same reason as set forth in connecting to the rejection of Claim 1.

As per Claim 5:

Regarding: "A computer program product for generating an application module for deployment on a predetermined combination of selected components, the product comprising: a) a computer readable medium; b) an abstract notation description module stored on said computer readable medium for containing a description of the application module; c) an editor module coupled to the description module for entering a selected set of input parameters into the description file; d) an application generator module coupled to said description module for transforming the the abstract notation description file to a plurality of selected platform notation corresponding to the selected components; and e) the application module coupled to the generator module for receiving the selected platform notation; wherein said program product generates the selected platform notation files for deployment of the application to the selected components": The limitation has the functionality corresponding to the limitation recited in Claim 1. Therefore, the rejection is applied in the same reason as set forth in connecting to the rejection of Claim 1.

As per Claim 6: Regarding:

"A system for generation of a multi-tier application for deployment on a predetermined combination of selected components having different platforms, the system comprising: a) an abstract notation description file to contain a description of the application, the description file capable of representing multiple sub-applications of different platforms; b) an editor for entering a selected set of input parameters

into description file; and c) an application generator for transforming the description file from the abstract notation to a plurality of selected platform notations each including respective platform indicators, the selected notations representing different platforms generated by the application; wherein the application may be deployed as a series of the sub-applications on corresponding tiers containing the selected components to facilitate the communication of component data between the selected components": The limitation has the functionality corresponding to the limitation recited in Claim 1. Therefore, the rejection is applied in the same reason as set forth in connecting to the rejection of Claim 1.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Han et al., "WebSplitter: A Unified XML Framework for Multi-Device Collaborative Web Browsing", discloses an XML framework that enables multi-device and multi-user Web browsing.

Art Unit: 2122

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WEI Y. ZHEN
PRIMARY EXAMINER



TTV
Patent Examiner
Art Unit 2122
November 23, 2004